

# Moving Beyond Rape as a “Weapon of War”

## An Exploration of Militarized Masculinity and its Consequences

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*Cet article déclare que les dialogues sur le viol comme une “arme de guerre” tend à voir le phénomène des viols en temps de guerre comme un produit de la culture de l’impunité qui sévit dans les situations de conflits, suggérant que le viol durant les guerres est sous le coup des interdictions à certains niveaux internationaux et humanitaires. Alors que je considère l’importance de reconnaître ces offenses comme une violence faite aux femmes pendant les conflits armés, j’ajoute que le viol et autres actes violents envers les femmes peuvent être reliés à la notion de masculinité et de suprématie de la race blanche inhérents au militarisme. Je dénonce ce phénomène de “violence des soldats” dans d’autres contextes comme durant les missions de paix, dans les forces armées elles-mêmes et dans les relations intimes. J’affirme que la misogynie, le racisme et la culture hyper-mâle sont parties intégrantes de l’institution militaire et sont à la racine du viol et autres formes de violence faite aux femmes.*

### I. Rape as a Weapon of War: A Reluctant Recognition

*Who can take a chainsaw  
Cut the bitch in two  
Fuck the bottom half  
And give the upper half to you?  
—Marching chant, “The S&M Man”<sup>1</sup>*

### A Historical Perspective

The rape and sexual exploitation of women by soldiers has a lengthy history. As one male naval officer involved in the Tailhook 91 incident (discussed below) eloquently put it, men have been violating women in this context “since caveman days (O. I. G. V1-12).” While rape by soldiers has been prohibited by national military codes for centuries, it has frequently been given license as a reward for soldiers’ service or as a matter of strategic policy (Meron 425). For example, the widespread exploitation of Asian “comfort

women” by Japanese forces during World War II has been well documented (see, for example, Copelon; Hirofumi; Horn; Amnesty International 2008), although the issue escaped public attention until the early 1990s.<sup>2</sup>

Rape was not named in the charters of either of the international military tribunals set up to prosecute war crimes following World War II. As Rhonda Copelon explains, “Though listed as a crime against humanity in the Allied Local Council Law No. 10, under which intermediate-ranking Nazi war criminals were prosecuted, rape was never actually charged” (221). While evidence of rape was included in the charges of crimes against humanity committed by Japan, the government-run rape camps were never addressed. This conspicuous silence, in spite of the fact that widespread rape and sexual exploitation were known to have taken place (Copelon 22-23),<sup>3</sup> points to the normalization of sexual violence across military culture. So too does the system of militarized prostitution that developed during the Vietnam War.

Fuelled by misogyny and notions of racial superiority, prostitution in Southeast Asia greatly expanded when American forces became involved in the region. U.S. bases officially welcomed prostitutes as “local national guests” and hundreds of Vietnamese women served as on-base service personnel. Soldiers could also bring in local women from outside the base. An estimated 300,000 to 500,000 women worked as “prostitutes” in South Vietnam by 1973, although as Cynthia Enloe notes, a precise number is difficult to calculate because thousands of Vietnamese women worked as on-base service personnel and thousands more were raped by troops: “All were vulnerable to the label ‘prostitute,’ because they were women and because they were at the bottom of the racial hierarchy that structured all relations in the Vietnam war” (Enloe 33). White supremacy was re-enacted in this context, where a woman working as a prostitute risked being murdered by white American soldiers if they discovered she had also been providing her services to their Black counterparts (Enloe 33).

The cavalier racism with which troops regarded Asian women is laid bare by this American soldier's account, which also reveals the mentality that views racialized women's bodies as ripe for soldiers' taking:

You take a group of men and put them in a place where there are no round-eyed women. They are in an all-male environment. Let's face it. Nature is nature. There are women available. Those women are of another culture, another color, another society. You don't want a prostitute. You've got an M-16. What

enslavement as war crimes, although it acknowledged a less-expansive definition of rape during conflict than its ICTR counterpart (IRIN).<sup>5</sup>

Yet even this recognition of rape as a crime of war is nuanced by white supremacy. As Shelley Saywell's documentary on the Serbian rape camps, *Rape: A Crime of War*, keenly observes, the mass rape that occurred in Rwanda largely escaped media attention: Rwandans were perceived as less "civilized" than the Western world, thus their brutality was not so unexpected. In contrast, the atrocities that took place in the former Yugoslavia were

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do you need to pay for a lady for? You go down to the village and you take what you want. I saw guys who I believe had never had any kind of sex with a woman before in that kind of scene. They'd come back a double veteran (Enloe 33). [The term "double veteran" was common among American troops serving in Vietnam; it referred to the practice of raping a woman and then killing her.]

This racist "boys will be boys" attitude is a common response to militarized sexual violence and it continues to shape our tolerance for rape by military personnel, as evidenced below.

The ethnic conflicts in the former Yugoslavia and Rwanda in the 1990s resulted in the "strategic" rape of "enemy" women in huge numbers. Attacking the "honour" of the targeted community through the rape of "its" women (and subsequent birth of "enemy" children) was considered a particularly effective way to demoralize the opposing side and force migration from the region.<sup>4</sup> In keeping with the historical pattern of neglect or aversion, the prosecutors at both the International Tribunals for the former Yugoslavia (ICTY) and for Rwanda (ICTR) were hesitant to pursue rape charges as war crimes. As Copelon explains, "It was common, at that time, to hear the assertion that genocide is killing, not rape, and that the women who were raped and survived were lucky they were not dead" (224). It was not until an amicus brief was filed by concerned NGOs that the prosecutor decided to include rape charges in the *Akayesu* case, the first to go to trial at the ICTR. In what has been hailed as a significant advancement for women, the ICTR went on to recognize rape as a form of genocide and as a crime against humanity in its decision (IRIN). In *Kumarac*, the ICTY recognized rape and sexual

in Europe's "backyard": they struck Western observers as much closer to home and therefore more frightening. The underlying racism of this othering—and it should be noted, though closer to "home," Serbians were still not perceived as "white"—is an important piece of our inability to tackle militarized violence as a systemic, transnational problem.

#### **Approaches to Rape in International and Humanitarian Law**

Historically, humanitarian law has viewed rape as a crime against a woman's "honour," (and, by extension, against a community's honour), rather than a serious crime of violence against the woman herself, one that attacks her personal autonomy and puts her life at risk. Under the *Hague* and *Geneva Conventions*, rape has been variously considered an offence against "family honour and rights" or as "outrages against personal dignity" or "humiliating and degrading treatment" (Copelon 224). The *Geneva Convention Relative to the Protection of Civilian Persons in Time of War*, specifically, considers rape and sexual exploitation crimes against a woman's honour from which she needs to be protected (presumably by men): "[W]omen shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution or any form of indecent assault" (ICRC; see also Farwell 391, 394). As Françoise Krill, writing about the protection of women in the Geneva Conventions, explains:

The principle of equal treatment is extended by the further principle that "women shall be treated with all the regard due to their sex" (Article 12, C.I and C.II, Article 14, C.III). This particular regard is not legally defined, but regardless of the status accorded

to women, it covers certain concepts such as physiological specificity, honour and modesty, pregnancy and childbirth.

These considerations of equal treatment and rape at international law betray a misguided, if not overtly sexist, focus on traditional notions of femininity: women as biologically inferior and thus vulnerable; women as virginal; women as maternal. They lend support to patriarchal norms, whereby a woman's honour is dependent on her relationship to men. Men can bestow honour by deeming a woman "marriageable" and "pure" and men can also take honour away by raping her, making her worthless. Thus many of the women who were raped during the Bosnian conflict, for instance, are no longer welcome by their people: they have been tainted by the enemy and, as such, are a reminder of men's failure to protect "their" women.<sup>6</sup>

The acknowledgement that, when used as a so-called weapon of war, rape is a crime against humanity certainly speaks to the horrendous nature of the act and will hopefully help to cement its importance to the international community.<sup>7</sup> Nevertheless, we have to ask whether the "crime against humanity" designation is simply "crime against a community's honour" writ large. Has our approach to wartime rape actually evolved, or are we merely expanding the size of the affronted group? Neither label overcomes the traditional notion of rape as a crime against male pride in order to recognize the act as a crime against the woman herself.

Moreover, a narrow focus on rape as a weapon of war precludes us from making the connection between rape used strategically in conflict, rape as a means of racial subjugation, and other instances of sexual assault by military personnel. Such was the case when the Western world first became attuned to the atrocities happening in Bosnia; its papers rallied with headlines such as "Serbian 'rape camps': Evil Upon Evil!"<sup>8</sup> Having found the source of the evil—Serbian troops—the inquiry stopped there. A broader approach to militarized sexual violence would demand we go further: it would urge us to recognize similar abuses perpetrated by our own militaries in different contexts.

While positive steps have been taken elsewhere in the international community, including the UN General Assembly (which passed the *Declaration on the Elimination of Violence against Women* in 1993) and the UN Security Council (which issued Resolution 1325 in 2000, mandating the involvement of women in the peace process, reiterating the importance of the rights of women and girls, and promoting the use of gender training in peacekeeping operations and the mainstreaming of a gendered perspective), these attempts have unfortunately had little impact on the post-conflict response to sexual violence or on the prevalence of sexual violence perpetrated by military personnel. Moreover, the international tribunals responsible for prosecuting war crimes do not generally

invoke these instruments. The bottom line is that until we start addressing the root causes of rape, in conflict and elsewhere, efforts to get at the problem through prohibition and prosecution will accomplish little.

## II. Keeping the Peace? Sexual Exploitation and Blue Berets

Perhaps even more disturbing than the accounts of "strategic" sexual violence by parties to conflict are the reports that have surfaced implicating UN peacekeeping forces in the sexual exploitation of local, and therefore racialized, women and children on numerous missions—disturbing, but not entirely surprising. The fact that UN peacekeeping troops come from national militaries, which struggle with their own gender and race issues, creates an environment where these kinds of abuses can thrive.

Well-publicized sexual abuse and exploitation of local women and children, including what the UN terms "transactional sex" (sex in exchange for food or other aid), by peacekeeping forces documented in Kosovo (see Amnesty International 2004), the Democratic Republic of the Congo (see Zeid al-Hussein), West Africa (see UN General Assembly), and Haiti (see Martin; Jennings) prompted then UN Secretary General Kofi Annan to issue a bulletin prohibiting sexual exploitation and sexual abuse (SEA) by UN forces in October 2003, specifically instituting a "zero tolerance" policy for all SEA conduct (UN 2003). This was followed up by an in-depth report on the issue, presented to the Secretary General by Prince Zeid in 2005 (Zeid al-Hussein). In spite of greater awareness of the problem on the part of the UN, including efforts to post a gender advisor with each mission, sexual exploitation has persisted.<sup>9</sup>

According to Refugees International (RI), "The masculine culture of UN peacekeeping missions has produced a tolerance for extreme behaviours such as sexual exploitation and abuse" (Martin 6). Some have suggested the addition of female peacekeepers as a solution to this problem (Zeid al-Hussein). Because the UN's forces consist of military members from various troop-contributing countries, who themselves have small numbers of women serving, this is not a readily implementable option. Moreover, the addition of women is far from a cure-all to a culture that has deeply unequal traditions at its roots. It is the institution itself that must change in order for progress to be made; this cannot be achieved by simply adding a few token individuals.

This reality has been documented in a number of contexts.<sup>10</sup> The most powerful example may be the involvement of female soldiers—both directly and at the senior levels of command—in the abuse at Abu Ghraib prison (Martin 8).<sup>11</sup> As Kathleen Jennings notes, even female informants in UN missions in Haiti (MINUSTAH) and Liberia (UNMIL) were not immune from a "boys will be boys" attitude, in terms of their willingness to report

abuses or the informal distinctions made by peacekeeping forces with regards to SEA offences: “This seems to indicate that the ‘boys will be boys’ attitude is internalized and accepted by more than just ‘the boys.’ This is likely to be especially so in the parts of the mission that remain male-dominated, such as the military or civilian police components” (30). One might also expect women soldiers to conform when they share white skin privilege with their male colleagues, in contexts where those victimized are racialized, as in Haiti, Liberia, and Abu Ghraib.

The problem is not so much the individual actions of

as there is one, is to excuse questionable or exploitative behavior on the part of the peacekeepers, while casting dispersions on the intentions and worth of the local population. This “blame the victim” strategy, in which local women and girls are portrayed as highly sexualized and almost predatory in their advances towards “innocent” and blameless peacekeepers, recurred in both Haiti and Liberia, and has also been noted elsewhere.... In these respects, therefore, the zero-tolerance policy seems to have unfortunately encouraged the persistence of racial and gender-based

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group members, but the combination of unequal gender, race, and power relations; military training that endorses traditional male-as-warrior ideals (and encourages women to adapt to these norms themselves, rather than define themselves as fundamentally different); and a disconnect with local people and culture that enables perpetrators to view those who are exploited as somehow less than human. Sherene Razack underscores the ongoing racism and colonialism of peacekeeping missions undertaken by Western countries, finding militarized masculinity specifically rooted in white male encounters with the racialized “other.” Razack argues that the “violent practices in which peacekeepers engage ... are practices intended to establish Northern nations as powerful and superior, nations in full control of the natives they have come to keep in line” (55).<sup>12</sup> Paradoxically, this superiority may actually be reinforced by the UN’s zero tolerance policy. Jennings highlights this unintended consequence in her report:

For many informants, the SEA policy and training essentially boiled down to an official admonition to minimize or eliminate contact with local residents as much as possible. Yet the “othering” that seems to feature in some of the training—as for example the exaggeration of the HIV prevalence rate in both Haiti and Liberia, as well as the emphasis on false allegations by locals—combined with the lack of substantive or meaningful contact with local residents seems to reinforce various unsavoury stereotypes.... From mission informants in Haiti, for example, we heard variations of several themes: that Haitians are lazy, that Haitian girls are promiscuous, that sex (and the selling of it) is seen differently by the Haitian culture, etc. The function of such stereotypes, insofar

as there is one, is to excuse questionable or exploitative behavior on the part of the peacekeepers, while casting dispersions on the intentions and worth of the local population. This “blame the victim” strategy, in which local women and girls are portrayed as highly sexualized and almost predatory in their advances towards “innocent” and blameless peacekeepers, recurred in both Haiti and Liberia, and has also been noted elsewhere.... In these respects, therefore, the zero-tolerance policy seems to have unfortunately encouraged the persistence of racial and gender-based

Another factor Jennings observes is the disparity in how internal incidents of sexual harassment are treated as compared to external sexual exploitation charges: the former is considered a minor category 2 infraction, whereas the latter is a serious category 1 offence. This might be understood by women serving in missions to mean that “the institution is less concerned about their welfare than about the possibility of scandal, which is probably more likely in the peacekeeper-local dynamic than in the strictly internal, peacekeeper-peacekeeper scenario” (Jennings 31). While not immune to the institutional pressures leading to the acceptance of exploitative behaviour, some women may be less willing to “rock the boat, especially where reporting an allegation could facilitate the very outcome—scandal—that the institution is concerned to avoid” (Jennings 31).<sup>14</sup>

### **III. “Fresh Meat”: Sexual Violence within the Military<sup>15</sup>**

*“We were referred to as splits because we have vaginas,” says one woman, who went through basic training at Cornwallis in 1990, but left the Forces two years later because she could no longer put up with the abuse. “We were taught that women who wanted to join the Forces were one of two things: sluts or lesbians. I tried to ignore*

*it. I joined the military for a job—and I was good at my job. I finally said why the hell am I doing this?*<sup>16</sup>

### **Tailhook 91: A Time-Honoured Tradition Exposed**

Women's entry into the military has signalled neither their achievement of equality nor their acceptance within the institution. What it has done is expose the profoundly misogynist culture of what is still very much an old boys' club. While women's admission to other male-dominated institutions has been met with fierce sexism, their

It was against this backdrop that the annual "Gauntlet" tradition took place. The Gauntlet was an organized event, which occurred during the evening festivities of the symposium. At an agreed time, male Navy and Marine Corps personnel lined the hallway of the hotel's third floor and pretended to "mill about" (O.I.G. VI-7)<sup>17</sup> until a female approached. Once a woman entered the hallway—and was deemed sufficiently attractive for the group's purposes (O.I.G. VI-7)<sup>18</sup>—the men closed themselves around her on both sides so that she could not escape, and proceeded to pass her amongst the group so that those present could

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enlistment in the military has been met with widespread sexual assault.

The 1991 Tailhook scandal is a particularly telling illustration. The Tailhook Association's annual symposium was a gathering of active and retired U.S. Navy and Marine Corps aviators in Las Vegas. While formally a private organization, the Association received considerable support from the Navy, which conducted planning for functions, provided free office space, and used its aircraft fleet to transfer guests to the symposium ("The Navy Blues"). The symposium offered a conference component, but the main feature of the event was the wild party that ensued each year. The 35th annual gathering was no different. The atmosphere at the 1991 event was particularly charged, because of the ongoing debate on whether female soldiers should be permitted to serve in combat roles. As the Department of Defense (DoD)'s inquiry into the incident revealed, certain attendees were particularly vocal in their opposition:

One disturbing aspect of the attitudes exhibited at Tailhook 91 was the blatant sexism displayed by some officers toward women. That attitude is best exemplified in a T-shirt worn by several male officers. The back of the shirt reads "WOMEN ARE PROPERTY," while the front reads "HE-MAN WOMEN HATER'S CLUB." The shirts, as well as demeaning posters and lapel pins, expressed an attitude held by some male attendees that women were at Tailhook to "serve" male attendees and that women were not welcome within naval aviation. (O.I.G.. X3-X4)

What the DoD labeled "sexism" might be better described as misogyny: more than sex discrimination, the sentiment expressed by these shirts was one of hatred toward women.

touch, grab, and otherwise violate her breasts, buttocks, and genitals. In many cases, men groped beneath the undergarments of women or went so far as to rip or remove their clothing (O.I.G. VI-10). According to one eyewitness, the more the women resisted the assaults, "the more the males attacked" (O.I.G. VI-8). Navy helicopter pilot Lieutenant Paula Coughlin testified, "I felt as though the group was trying to rape me" (O.I.G. VI-12). One civilian victim was later told by a Marine Corps aviator "not to worry" about having been assaulted—it was an annual tradition. The same victim was informed by her boyfriend, a Navy officer, not to tell anyone about the attack, "because they would think she was a 'slut'" (O.I.G. VI-11-VI-12).

The DoD's investigation revealed widespread knowledge of this misogynist tradition amongst the Navy and Marine Corps, including high-ranking officers (O.I.G. I-1, VI-11-VI-12, VI-13). The Navy's investigation into the matter was roundly criticized as inadequate by the DoD, whose own inquiry found at least eighty-three women were indecently assaulted (O.I.G. I-1). The House Armed Services Committee concluded, "The scale of sexual harassment and assaultive behaviour seen at the Tailhook convention was so large that it probably constituted a one-of-a-kind event, but the attitudes that permitted it to occur are not isolated. Rather, they are so widespread in the services that basic, cultural change will be necessary to remedy harassment" (DoD 1992).<sup>19</sup>

### **Sexual Assault within the Canadian Forces**

In Canada, a 1998 report by *Maclean's* revealed allegations of a systemic problem of sexual assault within this country's military (see O'Hara; Lewis). The magazine's initial investigation identified twenty-seven cases of sexual assault and included interviews with thirteen women who

reported being victimized by fellow Canadian Forces (CF) personnel. One of those women, encouraged by a male officer she trusted to sleep in his room for her own safety following a raucous party, awoke to find herself being raped by him, while another “friend” looked on and laughed. Adding insult to injury, she was subjected to a particularly callous retaliation for reporting the assault. Even though a rape kit had been performed and physical injuries of the attack were documented, the military police officer in charge of the investigation told her he did not believe her claim, as the male officers present said she had willingly had sex that night.<sup>20</sup> Moreover, she was actually charged with being in the men’s quarters after 11:00 pm and forced to serve a 21-day sentence alongside the man who raped her. Incredibly, after surviving this ordeal, successfully completing her training, and securing a transfer to another base, she arrived at her new posting only to find officials had called ahead to warn the base of her “problematic” behaviour. Her new superior officer threatened, “I know about everything in Esquimalt. Don’t try pulling any of that here” (O’Hara).

The initial *Maclean’s* report prompted more women to come forward with allegations, including incidents of rape at gunpoint (De Palma) and the rape of a woman with a developmental disability (Nicol). According to the executive director of the Barrie and District Rape Crisis Line, who had been invited to the Borden base to discuss sexual assault issues in June 1998, base officials were “still minimizing, rationalizing—and denying [the] problem” (Branswell). In fact, more often than not, the military’s response, whether in Canada or the United States, has been to pressure women not to come forward, and when they do, to suggest that women are lying about the assaults they have suffered. According to *Maclean’s*, the cases uncovered “reveal a systematic mishandling of sexual assault cases: investigations were perfunctory, the victims were not believed and often they—not the perpetrators—were punished by senior officers who either looked the other way or actively tried to impede investigations” (O’Hara). Interviews with former instructors revealed that sexual assaults of female recruits by instructors was common, and the official response was one of cover-up: offenders were urged to accept the punishment of a fine rather than go to court marshal and have the incidents recorded (O’Hara).

At the time of the 1998 investigation, no statistics had been collected to document the incidence of sexual assault within the military, prompting then Minister of National Defence Art Eggleton to suggest there was no evidence of any sort of systemic problem (O’Hara). Once public



Shary Boyle, “Soldiers Aren’t Afraid of Blood,” 2005, ink on paper, 60 x 46cm.

criticism ensued, the CF Provost Marshall began to keep a tally of reported assaults. Under-reporting may certainly be a problem, given the treatment afforded women who come forward, but even the official statistics show no sign of reported assaults subsiding: the number has remained consistent since statistics began being collected.<sup>21</sup>

### Ongoing Struggles: Iraq and Afghanistan

More recently, violence against female soldiers by their male comrades in Iraq and Afghanistan has come to light. The problem was large enough that the Department of Defense created a Sexual Assault Prevention and Response Office in 2005 and an anonymous reporting option following the program’s inception. Referred to as “restricted reporting,” the option of anonymity allows victims to access supports but keeps the assault out of the justice system, while “unrestricted reporting” refers the incident to the appropriate military command. Given the potential repercussions of an open, chain-of-command

report, unrestricted reporting remains problematic for many women who experience sexual assault during their service; the military itself acknowledges that overall reporting rates remain low (Mount). Nevertheless, the number of reported service member on service member sexual assaults has risen each year since 2004 (by an average of 8.6 per cent annually), and the total number of sexual assaults reported to military authorities has also risen (by an average of 14.9 per cent annually).<sup>22</sup> The DoD insists that this is proof of the success of the reforms, but in reality it is impossible to know whether the increase reflects better reporting or a greater incidence of sexual assault (Benedict 2009: 8). As Helen Benedict reminds us, the only concrete measurement is studies of veterans, who are no longer afraid of repercussions for reporting—and these indicate a widespread problem (2009: 8).<sup>23</sup>

Through the course of her interviews with female soldiers serving in Iraq and Afghanistan, Benedict found that sexual assault and fear of sexual assault had not subsided. One of the army specialists she interviewed took to carrying a knife with her at all times: not for insurgents, but for the men on her own side (Benedict 2009: 168). In 2003, Col. Janis Karpinski publicly reported the deaths of three women serving in Iraq. The cause of death was dehydration: these women had purposely stopped drinking water partway through the day so that they would not have to go to the bathroom at night and risk being raped by their male colleagues (Benedict 2007). On that note, many of the women interviewed by Benedict explained that the sexual assault prevention policy at Camp Arifjan, the massive U.S. base in Kuwait, was to order female soldiers not to walk around the base—even to go to the bathroom or cafeteria—by themselves at night. In fact, the command given to all of the women Benedict interviewed who had spent time at Arifjan was to always be accompanied by a female friend, presumably because a male friend could turn on a woman and rape her (Benedict 2009: 94).

This response to the high incidence of sexual violence reveals an adherence to the time-honoured tradition of blaming the victims. Rather than target the problem-causing population (male soldiers who rape), those in charge chose to view the victims (female soldiers) as the problem. This suggests the view that if there were no female soldiers, there would be no rape. Rather than prevent sexual assault, this twisted logic leaves the root problem of violence committed by military personnel unaddressed, which in turn leaves women vulnerable to such violence outside of the institutional setting.<sup>24</sup>

Information on the race of female soldiers victimized during their service is not readily available; like the UN,<sup>25</sup> the Canadian and American militaries do not appear to be connecting the issues of racism and sexual violence, although recruits typically receive token “diversity” training to discourage these behaviours.<sup>26</sup> Of the five women whose stories comprise the larger part of Benedict’s book, three were racialized and two were white. Given what we know

about the compounding effects of racism and sexism in the other contexts that have been examined, we might expect racialized women’s experience of sexual assault within the military to be similarly intersectional. This is certainly an area that could benefit from further research.

#### **IV. Violence on the Home Front: Domestic Abuse by Soldiers**

Accurate data on the prevalence of domestic violence in military relationships is extremely hard to come by, in part because the military has its own chain-of-command reporting system for abuse. Concerns about lack of confidentiality and the impact reporting will have on their partners’ careers prevents many women from reporting abuse, particularly in on-base settings.

In her presentation at the Sexual Assault Law, Practice and Activism in a Post-Jane Doe Era conference in March 2009, JoAnne Brooks, Director of the Women’s Sexual Assault Centre of Renfrew County (which is located near CFB Petawawa), discussed the historical and ongoing pressures faced by women “married” to the military, including intense pressure to keep silent about abuse. Brooks explained that partnered women are taught “a distracted soldier is a dead soldier” and that “war, wounds, and death” are more important than any of their own problems, including rape. Women partnered to men in the military are expected to “toe the party line”; speaking either on- or off-base in a way that reflects negatively on the institution is vehemently discouraged. Brooks noted that dependent wives are “watched and judged”—and ultimately how they “perform” affects their husbands’ careers; the presence of visible marriage problems can prevent the husband from going on course or on tour. If a woman partnered to a man in the military accesses the social services available to her, she will be looked at differently and may be considered a problem. If a woman seeks base supports while her partner is on tour, she is typically considered “needy” and her partner may get a call to “fix his shit” (Brooks).<sup>27</sup> Women thus face strong disincentives to reporting sexual assault and incidents of intimate partner violence.

The U.S. Department of Defense’s Family Advocacy Program (FAP) indicates a reporting rate for domestic violence of 21.5 per 1000 couples in 2007, down from 29.1 in 1998. However, the rate of substantiated incidents was only 10.2 per 1000 couples in 2007, compared with 19.2 in 1998. This begs the question: what is required for an assault to be substantiated? The FAP report does not elaborate. Attempts to obtain statistics from the Canadian military were unsuccessful. After corresponding with a member of the Victim Services unit of the Military Police detachment in Petawawa, I was met with questions on how the data would be used and told that whatever was released would have to be run by my contact’s superiors.<sup>28</sup> Ultimately, no statistics were provided: the most I was able

to acquire were brochures on general services available to members of the military community.

According to a 2006 review of literature on abuse in military families, “Few studies exist that examine family violence in military families and even fewer that compare family violence in military and civilian populations” (Rentz *et al.* 94). Nevertheless, Evan Stark and Anne Flitcraft have found that the only reliable predictor of battering is male violence itself (cited in McBride 19). That is, those who have a previous history of violence, or those who enjoy watching violent acts, are most likely to exhibit violence in intimate relationships (McBride 19).

Anecdotal evidence from crisis centre workers in the U.S. suggests there is an upsurge in incidents of domestic violence when troops arrive home from tours of duty (see, *e.g.*, Moss and Rivera). For example, an increased incidence of intimate partner violence, including murder and murder-suicide, was witnessed at Fort Carson following multiple troop deployments to Iraq (Alvarez). In July 2009, an Army report on the issue reluctantly acknowledged a “possible association between increasing levels of combat exposure and risk for negative behavioral outcomes” (Riley and Roeder). According to the *Denver Post*, many soldiers returning from combat were turning to alcohol and drugs as a form of self-medication for the psychological trauma they were going through, in part due to an unwillingness to use mental health and social programming because of the stigma attached to it within the military community (Riley and Roeder).

Emma Williamson’s pilot study into domestic abuse in military families reveals another flashpoint for dispute: ironically, while the military is predicated on traditional gender roles, the reality is that while male soldiers are away, their female partners end up performing both “male” and “female” tasks. Explained one interviewee:

When he is away, I become father, mother, disciplinarian, worker, shopper, cooker, gardener, playmate, chauffeur—in fact I do everything, and if I can’t do it then I find someone who can. When he returns, it can be difficult for him to find a role again as everything has been done in his absence. It can be difficult to relinquish some of my roles—instead of asking for help I just do the task. Coming from an environment where he has been in charge, being the centre of activity and knowing that people will listen to him and do as he asks with little questioning, returning to a family home full of opinions, discussions and disagreement can be difficult to negotiate. (qtd. in Williamson)

The traditional masculinity espoused by the military does not know how to deal with this reversal of roles. Too often, the outlet for frustration becomes violence. As in the case of attacks on female troops, abuse in this context becomes a mechanism for re-asserting power and control

over women; male soldiers who assault their female partners do so to remind them(selves) that men are in control and women need men for their protection. Ironically, these problematic ideas of masculinity place women in need of protection in the first place.

## **V. Moving Toward a Solution: Confronting Problematic Masculinity in Military Culture**

As this paper has attempted to demonstrate, focusing in on narrow aspects of rape by soldiers (including the “weapon of war” phenomenon) misses the important connections between soldier violence in various contexts. Additionally, getting at impunity for rape by military personnel is simply one aspect of the solution to militarized violence. While the threat of punishment may deter some perpetrators of sexual violence and may result in some being held accountable after the fact, targeting impunity in itself does not get at the underlying problem: the culture of violence and the racist and misogynist views that form the foundation of militarized masculinity. The ever-present problem of under-reporting in every context we have considered also remains a barrier to holding perpetrators accountable. By focusing on the root of the problem, we can steer our efforts towards prevention, rather than punishment.

Inquiries into the experiences of female soldiers have demonstrated that military culture remains intensely misogynistic in spite of efforts to change attitudes toward women. Evidence indicates a widespread view of women as sex objects, and sexual assault continues to be treated as a “women’s issue.” While certainly not all male soldiers are actively contributing to this culture, the hyper-masculine nature of the culture itself makes it very difficult for individuals to object to what they see. Those who do object no doubt find themselves the subject of derision for breaking a time-honoured cult of silence. But change is desperately needed. As noted in the section on peacekeeping above, the solution is not as simple as adding more women. Racism, for example, may in fact be intensified when white privilege is one of the few bonds between male and female personnel. The wars in Iraq and Afghanistan have seen more women serving than ever before, and yet the problems persist. Respect for women—as individuals, as colleagues, as soldiers—and for those who are racialized, needs to be instilled into the military at all levels.

The UN has made important first steps toward including gender awareness in training sessions for peacekeeping troops. Unfortunately, a lack of adequate resources and planning has stalled these efforts; so far they remain at the recognition of the problem stage and have not moved on to the solving of the problem phase. This is evident in the reports of Sarah Martin for Refugees International and Kathleen Jennings for Fafo, who found a lack of responsiveness—if not lingering hostility—to the “feminist” ideals of gender equality among troops and the persistence of a “boys will be boys” attitude toward sexual

abuse. Additionally, the important connections between racism and sexual violence continue to be overlooked. Until these issues are addressed within national militaries, it is unclear how effective UN attempts to re-educate troops will be. Nevertheless, as the organization with the greatest access to countries' armed forces, it may be our best vehicle for reform.

The good news is that the UN is on the right track. Granted, it is a slow track, as is the custom of international bureaucracy, but it is the right track. In fact, one of the most progressive pronouncements to date was made by the General Assembly in its preamble to the *Declaration on the Elimination of Violence against Women* in 1993:

Recognizing that violence against women is a manifestation of historically unequal power relations between men and women, which have led to domination over and discrimination against women by men and to the prevention of the full advancement of women, and that violence against women is one of the crucial social mechanisms by which women are forced into a subordinate position compared with men...

Now we must take this recognition and extend its reach to the military, and specifically to militarized violence. Recognizing the military as a key institution in the historical domination of women is the next step. Of course, broadening the scope of the General Assembly's critical gaze may prove difficult, given the importance of the military as an institution to the missions the UN carries out, at least at present. But the more we push for education and understanding of violent masculine culture, the more we will be forced to confront the realities of military culture, including those of troop-contributing countries.

Patriarchal institutions, misogynist mentalities, and white supremacy have underpinned the subordination of women for centuries; challenging them thus means struggling against the powerful forces of history, custom, and tradition. Hopefully, the more we progress toward equality, the more we will realize our need for militarized protection—in the form of domination, weapons, and violence—is actually counterproductive to the goal of peace, which necessarily encompasses “women's achievement of control over their lives” and recognizes that “any such peace is fragile and tentative without the conditions which enable it to be continually recreated.”<sup>29</sup>

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<sup>1</sup>“The S&M Man,” a parody of “The Candy Man,” is one of many examples of misogynist military marching songs, though now “officially” banned. The rest of the chant goes as follows:

Chorus: The S&M Man, The S&M Man,  
The S&M Man cause he mixes it with love  
And makes the hurt feel good!

Who can take a bicycle  
Then take off the seat  
Set his girlfriend on it  
Ride her down a bumpy street...  
(Chorus)

Who can take some jumper cables  
Clamp them to her tits  
Jump start your car  
And electrocute the bitch...  
(Chorus)

Who can take an ice pick  
Ram it through her ear  
Ride her like a Harley  
As you fuck her from the rear...

See Burke (1993, 2004).

<sup>2</sup>After numerous incidents of rape by Japanese soldiers were reported in the early 1930s, the army asked for “comfort women” to satisfy soldiers' sexual appetites. Making comfort women available to soldiers was seen as a way to prevent the rape of non-comfort women (who were presumably deemed worthy of protection) and in doing so, prevent rising hostility among occupied peoples. It was also considered a preventive measure against the spread of sexually transmitted disease and of state secrets. In many cases, women were forcibly taken from their families or recruited deceptively (under the guise of performing factory work, for example). Upon arriving at the “comfort station,” women were typically forced to have sex with twenty to fifty soldiers each day, and were beaten or killed if they refused. Most sources estimate that at least 200,000 women were exploited under this

system. See, e.g., Copelon, Hirofumi, Horn, and Amnesty International (2008).

<sup>3</sup>Copelon explains that evidence uncovered by Australian researchers indicates that the Allies were fully aware of the system of sexual slavery operated by Japan during World War II (see, e.g., Dolgopol).

<sup>4</sup>For a detailed account of the abuses that took place in Bosnia, see Amnesty International (1993). For more information on sexual violence during the Rwandan genocide, see Human Rights Watch.

<sup>5</sup>For a critique of the ICTY's departure from the "rape as genocide" paradigm adopted in *Akayesu*, see MacKinnon.

<sup>6</sup>As one woman who shared her story of internment at one of the most infamous Serbian camps aptly observed, "Patriarchal society means some women will never tell. The woman is property, a sacred thing that cannot be touched. She is the man's pride and when his pride, his property, is violated, the danger exists that he himself will isolate her, that her family will ostracize her; in fact, there is fear for her life." She went on to recount cases where women's families threatened to kill them if they spoke publicly about their experience of rape. The sole witness slated to testify against Dusko Tadić, the first defendant brought to trial before the ICTY, with respect to the crime of rape, was too fearful to come forward and chose not to testify at the last moment. Many women were abandoned by their husbands once they learned what had happened to them. For a moving account of women's experience of rape and abuse during the Bosnian conflict, see Shelley Saywell's documentary, *Rape: A Crime of War*.

<sup>7</sup>More recently, the UN Security Council unanimously passed a resolution classifying rape as a weapon of war in June 2008; see SC Res. 1820 (2008).

<sup>8</sup>From the *Miami Herald*, 18 December 1992, as reported by the UN's Women2000 initiative: UNDAW, "Sexual Violence and Armed Conflict: United Nations Response."

<sup>9</sup>Official UN statistics report a steady decline in the number of SEA allegations since reporting began in 2006, but the ability of these figures to depict the real story remains in question. In a study for Fafo, Kathleen Jennings draws our attention to the problem of under-reporting in noting that reliance on reporting for enforcement of SEA policies overlooks the many reasons why women do not report, including reliance on the aid derived from transactional sex; threats of retaliatory violence; and concerns they will not be believed. Jennings also points out that the UN itself has cautioned against reading too much into its reporting numbers and that "substantiation of reported violations also remains a time-consuming and problematic process, which could feasibly have a chilling effect on future reporting: people may be less willing to report a violation if they feel it is a pointless exercise." See UN DKPO; Jennings (27, 55).

<sup>10</sup>Consider, for example, the struggles of police forces to counter racism within their ranks. See, e.g., the *Report*

*of the Commission of Inquiry Into Matters Relating to the Death of Neil Stonechild*.

<sup>11</sup>For a detailed account of the abuse which took place at Abu Ghraib, see Hersh; DoD, *Taguba Report: Article 15-6 Investigation of the 800<sup>th</sup> Military Police Brigade* (2004).

<sup>12</sup>Notably, the Zeid report on sexual exploitation and abuse did not consider (or even mention) racial dynamics or racism as aspects of the problem.

<sup>13</sup>What appears to be lacking is meaningful, non-exploitative contact between peacekeepers and the local population, which would foster respect for and humanize the people being served.

<sup>14</sup>There are other cues signalling a problem with gender equality within peacekeeping missions. According to a recent study, the term 'gender' continues to be negatively associated with 'feminism' and 'feminists' among male peacekeepers, resulting in a defensive attitude toward gender sensitivity training (see Higate and Henry). In response to this problem, some observers have recommended an increase in male gender officers, to debunk the myth that gender issues are "women's issues" (see, e.g., Martin). Additionally, due to a lack of resources, gender officers are often assigned as the focal point (i.e., the "go-to" person for reporting purposes) for sexual exploitation reports. According to Martin, this gives the impression that SEA offences are not serious disciplinary offences, unlike stealing or assault, for example, which are reported to a separate conduct unit (12).

<sup>15</sup>In reference to a term used by Dawn Thomson, a former member of the Canadian Forces who was raped during basic training, in a diary entry reported in *Maclean's* in May 1998: "[Upon arriving at CFB Esquimalt,] [w]e were referred to as fresh meat more than once" See O'Hara.

<sup>16</sup>A former female soldier who left the CF due to sexual harassment and verbal abuse (qtd. in O'Hara).

<sup>17</sup>Once a woman had escaped the Gauntlet, the so-called master of ceremonies would shout "mill about," causing the men to slowly shuffle their feet and face at odd angles, giving the appearance they were just standing along the hall socializing with each other until the next woman approached.

<sup>18</sup>The Gauntlet incorporated a Navy-themed rating system for women. "Clear deck" was code for an attractive woman; it was a signal amongst participants that their next victim was approaching. In contrast, "wave off" was used to signal the approach of an unattractive woman; those deemed unattractive were fortunate enough to escape being accosted as they made their way down the hallway.

<sup>19</sup>In spite of numerous inquiries and hearings into gender discrimination and harassment in the military since (see, e.g., the website of DoD's Defence Task Force on Sexual Harassment and Violence, which provides links to 18 reports on the problem since 1988), the problem has persisted. In 1996, for example, it came to light that several drill sergeants were sexually assaulting young female trainees at the Aberdeen Proving Ground in Maryland.

Sergeant Delmar Simpson was sentenced to 25 years in prison after being found guilty of 18 counts of rape and a string of other sexual conduct offences. See “Sergeant Gets 25-Year Term for 18 Rapes of Recruits.”

<sup>20</sup>Sources close to the investigation reported to *Maclean's* that the two officers involved subsequently boasted openly about what they had done. See O'Hara.

<sup>21</sup>The *2008 Annual Report* indicates there were 170 reported cases of sexual assault in 2008, compared with 176 in 2007 and 201 in 2006. The *2005-2006 Annual Report* reports sexual offences from 1999 through 2005, which range from a low of 162 (2001) to a high of 210 (1999), though numbers remain steady from 2002 (208) through 2005 (207). Notably, the 2005-2006 report considers unwanted sexual touching and indecent exposure to be “minor in nature.” See CF Provost Marshal 2008, 2006.

<sup>22</sup>The number of service member on service member sexual assaults reported was 880 in 2004; 1072 in 2005; 1167 in 2006; 1184 in 2007; 1168 in 2008; and 1338 in 2009. Meanwhile, the total number of sexual assaults reported to military authorities (which also includes incidents where a service member assaulted a non-service member, the category with the second highest incidence after service member on service member assaults; unidentified perpetrator on service member assaults; and non-service member on service member assaults—the latter two having the lowest incidence rates, respectively) also increased during this period: 1700 in 2004; 2374 in 2005; 2947 in 2006; 2688 in 2007; 2908 in 2008; and 3230 in 2009. The 2009 report indicates that women comprised 89 per cent of victims who made a report of sexual assault. See DoD 2007, 2010.

<sup>23</sup>A 2003 study by Sadler *et al.* revealed that 79 per cent of female veterans who served in the U.S. military in Vietnam through the Gulf War had experienced sexual harassment during their service. More than half (54 per cent) reported unwanted sexual contact, and one third (30 per cent) reported rape or attempted rape. A 2004 study by Murdoch *et al.* of veterans being treated for PTSD from Vietnam onward found a shocking 71 per cent of female vets had experienced sexual assault while in service. Veterans were considered to have been sexually assaulted if they reported that someone had attempted to or had successfully forced them to have sex against their will. See Sadler *et al.*; Murdoch *et al.*

<sup>24</sup>A recent illustration of such “off-base” violence can be found in the case of Col. Russell Williams, former base commander of CFB Trenton. Williams was recently charged with first degree murder in the deaths of his colleague, air force flight attendant Cpl. Marie-France Comeau, and Belleville resident Jessica Lloyd. He has also been charged with sexually assaulting two women whose homes he broke into just prior to the murders. In addition, Williams has been charged with 82 further offences, 46 of them in relation to home invasions in and around the

community where he resided. He is alleged to have stolen women's undergarments during the invasions. See, *e.g.*, “Col. Russell Williams timeline.” Notably, the police are reported not to have believed the first woman who came forward to report her experience of sexual assault at the hands of Williams, thus hindering a timely and professional investigation. See Zerbisias.

<sup>25</sup>See my comment on the Zeid report at note 12.

<sup>26</sup>For example, the Canadian Forces' website notes that “All new recruits receive cultural awareness, harassment and racism prevention training” in its aptly titled section “Our People, Our Strength,” which also includes blurbs highlighting the entry of women, visible minorities and Aboriginal peoples into the Canadian military. Notably, these highlights avoid any mention of the types of attitudes and abuse these groups have had to endure during their service. See Canadian Forces, “Our People, Our Strength.” Furthermore, training materials used by the CF have been found to contain sexist cartoons, as well as cartoons satirizing the military's obligation to treat detainees humanely. One of the images uncovered by the Canadian Press (CP) portrays a woman at a bar piled with empty glasses engaged in a sexual act with a man on a barstool. The caption of the cartoon reads, “How to tell when you don't have to buy her any more drinks...” Another scene shows a male officer suggesting his female colleague be used as a “bargaining chip” in arms talks. See Beeby.

<sup>27</sup>My thanks to JoAnne for providing me with notes from her presentation and allowing me to share her insights here.

<sup>28</sup>JoAnne Brooks reported a similar experience of stonewalling in her presentation at the Jane Doe conference.

<sup>29</sup>This is Cynthia Enloe's feminist definition of peace (qtd. in Kelly 48).

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